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10/574,010

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Yoshihide Nakane

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OLIFF & BERRIDGE, PLC

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EXAMINER

LAU, KEVIN

ART UNIT

PAPER NUMBER

2612

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/574,010	Applicant(s) NAKANE, YOSHIHIDE	
	Examiner KEVIN LAU	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/01/2010 has been entered. Claims 1-12 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (EP 1286297) in view of Mitsumoto (US 5760701) and in further view of Yamasaki (US 6075454).

As per claim 1,

Nakamura discloses an anti-theft system for a vehicle, comprising: a certifying device of an electronic key for getting in the vehicle, the certifying device means being for certifying the electronic key held by a person who intends to get in the vehicle (Paragraph 19: portable unit identification); a human body certification information certifying device confirming that confirms human body certification information of the person (Paragraph 19: biometrics

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information can be used); a door lock control device for unlocking that unlocks a vehicle door (Paragraph 40: release the door lock) in a case where the electronic key is certified by the certifying device of the electronic key for getting in the vehicle (Paragraph 40: lock system 12 compares the keyless entry IDs) and the human body certification information of the person is confirmed by the human body certification information certifying device in a state where the door is locked (Paragraph 87: the door would have to be locked before it can be unlocked); and the human body certification information of the person is confirmed by the human body certification information certifying device a certifying device of an electronic key for starting an engine (Paragraph 87: biometrics authenticates the user), and an engine starting switch that starts the engine of the vehicle in a case where the electronic key is certified by the certifying device of the electronic key for starting the engine (Paragraph 41: the engine immobilizer controls the engine to on).

Nakamura does not disclose a memory that memorizes ID information of the electronic key when the vehicle door is unlocked by the door lock control device based on the electronic key being certified by the certifying device of the electronic key for getting in the vehicle the certifying device for certifying the electronic key based on a detection by an approaching detection sensor and reception of a response signal sent from the electronic key held by a person who intends to start the engine, the response signal sent in response to an initial request signal sent by the approaching detection sensor; and the electronic key is an electronic key whose ID information is memorized in the memory, after the vehicle door is unlocked by the door lock control device.

Mitsumoto discloses a memory that memorizes ID information of the electronic key (col.

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3 line 4: the ID code registration is registered in the memory) when the vehicle door is unlocked by the door lock control device (Fig. 2: the door is unlocked before entering registration mode) based on the electronic key being certified by the certifying device of the electronic key for getting in the vehicle (col. 2 lines 28-32: unlock button 12 unlocks the vehicle doors) and the electronic key is an electronic key whose ID information is memorized in the memory, after the vehicle door is unlocked by the door lock control device (Fig. 2: The vehicle door is unlocked 106 and eventually enters ID registration mode 114, col. 3 line 4 the ID code registration is registered in the memory).

.At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura's vehicle entry and engine start system to memorize the ID of the key when the door is unlocked, as taught by Mitsumoto.

The motivation would be to utilize a cheaper alternative to using a switch as a means to detect the presence of a key while the engine is running (col. 1 lines 17-23).

Nakamura in view of Mitsumoto does not disclose the certifying device for certifying the electronic key based on a detection by an approaching detection sensor and reception of a response signal sent from the electronic key held by a person who intends to start the engine, the response signal sent in response to an initial request signal sent by the approaching detection sensor;

Yamasaki discloses the certifying device for certifying the electronic key based on a detection by an approaching detection sensor (col. 2 lines 46-48: proximity sensor detects the approach of the remote control) and reception of a response signal sent from the electronic key held by a person who intends to start the engine (Fig. 5: remote control sends a response signal

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s33), the response signal sent in response to an initial request signal sent by the approaching detection sensor **(Fig. 5: onboard module transmits an interrogation signal s31)**.

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Mitsumoto's vehicle entry and engine start system to certify a key based on the approach, as taught by Yamasaki.

The motivation would be to allow the user to have more hands free for operating other tasks **(col. 1 lines 53-56)**.

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (EP 1286297) in view of Mitsumoto (US 5760701) and in further view of Yamasaki (US 6075454) and in further view of Sues et al. (US 5229648).

As per claim 2,

Nakamura in view of Mitsumoto and in further view of Yamasaki discloses the electronic key is certified by the certifying device of the electronic key for starting the engine **(Paragraph 41: the immobilizer controls the engine according to the verification of the key)** and whose ID information is memorized in the memory **(Nakamura; Fig. 3a: identification storage section)**, after the door is unlocked by the door lock control device **(Fig. 2: The vehicle door is unlocked 106 and eventually enters ID registration mode 114, col. 3 line 4 the ID code registration is registered in the memory)**.

Nakamura in view of Mitsumoto and in further view of Yamasaki does not disclose wherein the memory memorizes, in advance, a maximum number of times for permitting starting the engine after the door is unlocked by the door lock control device the engine starting switch

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allows for starting of the engine for the permitted maximum number of times memorized in the memory by the electronic key.

Sues discloses wherein the memory memorizes, in advance, a maximum number of times for permitting starting the engine after the door is unlocked by the door lock control device (col. 3 line 42-47: the manual override allows a predetermined number of starts) the engine starting switch allows for starting of the engine for the permitted maximum number of times memorized in the memory by the electronic key (col. 3 line 42-47: the manual override allows a predetermined number of starts).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Mitsumoto and in further view of Yamasaki's vehicle entry and engine start system to have a predetermined number of engine starts, as taught by Sue.

The motivation would be to discourage thieves from stealing the vehicle since it can only be used a certain number of times before needing to reset the number, this would cause the car to have little resale value (col. 4 lines 16-21).

As per claim 3,

Nakamura in view of Mitsumoto and in further view of Yamasaki and in further view of Sues discloses wherein the memory memorizes, in advance, a maximum number of times for permitting starting of the engine after the door is unlocked by the door lock control device (Sues; col. 3 line 42-47: the manual override allows a predetermined number of starts), the maximum number being set for every electronic key which is certified and registered (Sues; col. 5 lines 61-67: the registered key of the factory, dealer, and customer is set for a predetermined number of

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starts), and the engine starting switch allows for starting of the engine for the permitted maximum number of times memorized in the memory by the electronic key which is certified by the certifying device of the electronic key for starting the engine (Sues; col. 3 line 42-47: the manual override allows a predetermined number of starts) and whose ID information is memorized in the memory (Nakamura; Fig. 3a: identification storage section), the maximum number corresponding to the electronic key and being memorized in the memory, after the door is unlocked by the door lock control means (Sues; col. 3 line 42-47: the manual override allows a predetermined number of starts).

As per claim 4,

Nakamura in view of Mitsumoto and in further view of Yamasaki discloses the electronic key is certified by the certifying device of the electronic key for starting the engine and whose ID information is memorized in the memory (Nakamura; Fig. 3a: storage section 14a) and the human body certification information is confirmed by the human body information certifying device at the time when the door is unlocked by the door lock control means (Nakamura; Paragraph 19: biometrics information can be used to verify the user).

Nakamura in view of Mitsumoto and in further view of Yamasaki does not disclose wherein the memory memorizes in advance, a maximum number of times for permitting starting of the engine after the door is unlocked by the door lock control device, the maximum number being set for every person who is certified and registered, and the engine starting control device allows for starting of the engine for the permitted maximum number of times memorized in the memory by the electronic key the maximum number corresponding to the person the maximum

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number being memorized in the memory, after the door is unlocked by the door lock control means.

Sues discloses wherein the memory memorizes in advance, a maximum number of times for permitting starting of the engine after the door is unlocked by the door lock control device (col. 3 line 42-47: the manual override allows a predetermined number of starts), the maximum number being set for every person who is certified and registered (col. 5 lines 61-67: the registered key of the factory, dealer, and customer is set for a predetermined number of starts), and the engine starting control device allows for starting of the engine for the permitted maximum number of times memorized in the memory by the electronic key the maximum number corresponding to the person, the maximum number being memorized in the memory, after the door is unlocked by the door lock control means (col. 5 lines 61-67: the registered key of the factory, dealer, and customer is set for a predetermined number of starts).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Mitsumoto and in further view of Yamasaki's vehicle entry and engine start system to have a predetermined number of engine starts, as taught by Sue.

The motivation would be to discourage thieves from stealing the vehicle since it can only be used a certain number of times before needing to reset the number, this would cause the car to have little resale value (col. 4 lines 16-21).

3. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (EP 1286297) in view of Yamasaki (US 6075454).

As per claim 6,

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Nakamura discloses an anti-theft system for a vehicle, comprising: a certifying device of an electronic key for getting in the vehicle (Paragraph 19: portable unit identification), the certifying device the electronic key held by a person who intends to get in the vehicle (Paragraph 19: portable unit identification); a human body certification information certifying device for confirming human body certification information of the person (Paragraph 19: biometrics information can be used); a door lock control device for unlocking a vehicle door (Paragraph 40: release the door lock) in a case where the electronic key is certified by the certifying of the electronic key for getting in the vehicle (Paragraph 40: lock system 12 compares the keyless entry IDs) and the human body certification information of the person is confirmed by the human body certification information certifying device in a state where the door is locked (Paragraph 87: the door would have to be locked before it can be unlocked); a writing device for writing (Paragraph 35: the biometric authenticating section stores the information); that writes information that the human body certification information is confirmed in the electronic key as readable or delete-able information (Paragraph 35: registering and storing biometric information), when the vehicle door is unlocked by the door lock control device based on the electronic key being certified by the certifying device of the electronic key for getting in the vehicle (Paragraph 35 and 36: the biometric reading is confirmed with the biometric database) and the human body certification information of the person being confirmed by the human body certification information certifying device (Paragraph 35 and 36: the biometric reading is confirmed with the biometric database) a certifying device of an electronic key for starting an engine (Paragraph 87: biometrics authenticates the user), and an engine starting switch for starting that starts the engine of the vehicle in a case where the electronic key

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is certified by the certifying device of the electronic key for starting the engine (Paragraph 41: the engine immobilizer controls the engine to on) and the information that the human body certification information is certified is written in the electronic key, after the vehicle door is unlocked by the door lock control device (Paragraph 35 and 36: the biometric reading is confirmed with the biometric database).

Nakamura does not disclose the certifying device means being for certifying the electronic key based on a detection by an approaching detection sensor and reception a response signal sent from the electronic key held by a person who intends to start the engine, the response signal sent in response to an initial request signal sent by the approaching detection sensor.

Yamasaki discloses the certifying device means being for certifying the electronic key based on a detection by an approaching detection sensor (col. 2 lines 46-48: proximity sensor detects the approach of the remote control) and reception a response signal sent from the electronic key held by a person who intends to start the engine (Fig. 5: remote control sends a response signal s33), the response signal sent in response to an initial request signal sent by the approaching detection sensor (Fig. 5: onboard module transmits an interrogation signal s31).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura's vehicle entry and engine start system to certify a key based on the approach, as taught by Yamasaki.

The motivation would be to allow the user to have more hands free for operating other tasks (col. 1 lines 53-56).

As per claim 12,

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Nakamura discloses an anti-theft system for a vehicle, comprising:

a certifying device of an electronic key for starting a vehicle engine (*Paragraph 19: portable unit identification*), the certifying device certifying the electronic key held by a person who intends to start the vehicle (*Paragraph 19: portable unit identification*); a human body certification information certifying device that confirms human body certification information of the person (*Paragraph 19: biometrics information can be used*); an engine starting control switch that starts the engine in a case where the electronic key is certified by the certifying device of the electronic key for starting the engine (*Paragraph 41: the engine immobilizer controls the engine to on*) and the human body certification information of the person is confirmed by the human body certification information certifying device (*Paragraph 35 and 36: the biometric reading is confirmed with the biometric database*) in a state where the engine has stopped running (*Paragraph 41: the immobilizer starts the engine based on the certification of the user, therefore the engine would not be running when it is verifying the user*); a writing device for writing information that the human body certification information is confirmed to the electronic key as readable or delete-able information (*Paragraph 35 and 36: the biometric reading is confirmed with the biometric database*), when the engine is started by the engine starting switch based on the electronic key being certified by the certifying device of the electronic key for starting the engine (*Paragraph 41: the immobilizer controls the engine by comparing the ID information*) and the human body certification information of the person being confirmed by the human body certification information certifying device (*Paragraph 87: the biometrics authentication is verified*); a certifying device of an electronic key for starting an engine (*Paragraph 19: portable unit identification*), and a door locking control device that

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unlocks the door in a case where the electronic key is certified by the certifying device of the electronic key for getting in the vehicle (Paragraph 40: release the door lock) and information that the human body certification information is confirmed is written in the electronic key, after the engine is started by the engine starting control device (Paragraph 35 and 36: the biometric reading is confirmed with the biometric database).

Nakamura does not disclose the certifying device certifying the electronic key based on a detection by an approaching detection sensor and reception off a response signal sent from the electronic key held by a person who intends to start the engine, the response signal sent in response to an initial request signal sent by the approaching detection sensor.

Yamasaki discloses the certifying device certifying the electronic key based on a detection by an approaching detection sensor (col. 2 lines 46-48: proximity sensor detects the approach of the remote control) and reception off a response signal sent from the electronic key held by a person who intends to start the engine (Fig. 5: remote control sends a response signal s33), the response signal sent in response to an initial request signal sent by the approaching detection sensor (Fig. 5: onboard module transmits an interrogation signal s31).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura's vehicle entry and engine start system to certify a key based on the approach, as taught by Yamasaki.

The motivation would be to allow the user to have more hands free for operating other tasks (col. 1 lines 53-56).

4. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (EP

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1286297) in view of Funakoshi et al. (US 5861816) and in further view of Yamasaki (US 6075454).

As per claim 7,

Nakamura discloses an anti-theft system for a vehicle, comprising: a certifying device of an electronic key for starting a vehicle engine *(Paragraph 19: portable unit identification)*, the certifying device certifying the electronic key held by a person who intends to start the vehicle *(Paragraph 19: portable unit identification)*; a human body certification information certifying device for confirming human body certification information of the person *(Paragraph 19: biometrics information can be used)*; an engine starting switch that starts the engine in a case where the electronic key is certified by the certifying device of the electronic key for starting the engine *(Paragraph 41: the engine immobilizer controls the engine to on)* and the human body certification information of the person is confirmed by the human body certification information certifying device in a state where the engine is-has stopped running *(Paragraph 41: the immobilizer starts the engine based on the certification of the user, therefore the engine would not be running when it is verifying the user)*; and the human body certification information of the person being confirmed by the human body certification information certifying device *(Paragraph 87: the biometrics authentication is verified)*; a certifying device of an electronic key for starting an engine a door locking control device means that unlocks the door in a case where the electronic key is certified *(Paragraph 40: release the door lock)* by the certifying device of the electronic key for getting in the vehicle *(Paragraph 40: keyless entry system)*.

Nakamura does not disclose a memory that memorizes ID information of the electronic key when the engine is started by the engine starting control device based on the electronic key

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being certified by the certifying device of the electronic key for starting the engine and the certifying device certifying the electronic key based on a detection by an approaching detection sensor and reception of a response signal sent from the electronic key held by a person who intends to start the engine, the response signal sent in response to an initial request signal sent by the approaching detection sensor; the electronic key is an electronic key whose ID information is memorized in the memory, after the engine is started by the engine starting control device.

Funakoshi discloses a memory that memorizes ID information of the electronic key when the engine is started by the engine starting control device (col. 5 lines 19-22: the updated code is stored at the next engine startup) based on the electronic key being certified by the certifying device of the electronic key for starting the engine (col. 1 lines 60-63: the electronic code corresponds with the built in code) and the electronic key is an electronic key whose ID information is memorized in the memory, after the engine is started by the engine starting control device (col. 5 lines 19-22: the updated code is stored at the next engine startup).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura's vehicle entry and engine start system to memorize the key ID after the engine start, as taught by Funakoshi.

The motivation would be to utilize known techniques in the art for obtaining key ID for a vehicle security system.

The Supreme Court in *KSR International Co. v. Teleflex Inc.*, identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the

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claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

See MPEP Section 2143.

Nakamura in view of Funakoshi does not disclose the certifying device certifying the electronic key based on a detection by an approaching detection sensor and reception of a response signal sent from the electronic key held by a person who intends to start the engine, the response signal sent in response to an initial request signal sent by the approaching detection sensor;

Yamasaki discloses the certifying device certifying the electronic key based on a detection by an approaching detection sensor (col. 2 lines 46-48: proximity sensor detects the approach of the remote control) and reception of a response signal sent from the electronic key held by a person who intends to start the engine (Fig. 5: remote control sends a response signal s33), the response signal sent in response to an initial request signal sent by the approaching detection sensor (Fig. 5: onboard module transmits an interrogation signal s31).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Funakoshi's vehicle entry and engine start system to certify a key based on the approach, as taught by Yamasaki.

The motivation would be to allow the user to have more hands free for operating other tasks (col. 1 lines 53-56).

5. Claims 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (EP 1286297) in view of Funakoshi et al. (US 5861816) and in further view of

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Yamasaki (US 6075454) and in further view of Denison et al. (PG-Pub 2002/0097141).

As per claim 8,

Nakamura in view of Funakoshi and in further view of Yamasaki discloses the electronic key is certified by the certifying device of the electronic key for getting in the vehicle (Nakamura; Paragraph 40: keyless entry system) and whose ID information is memorized in the memory after the engine is started by the engine starting control device (Funakoshi; col. 5 lines 19-22: the updated code is stored at the next engine startup) and unlocking the door after the engine is started by the engine starting (Nakamura; Paragraph 116: the user is able to unlock the engine and door).

Nakamura in view of Funakoshi and in further view of Yamasaki does not disclose wherein the memory memorizes, in advance, a maximum number of times for permitting unlocking the door and the door locking control device allows for unlocking of the door for the permitted maximum number of times memorized in the memory by the electronic key.

Denison discloses wherein the memory memorizes, in advance, a maximum number of times for permitting unlocking the door (Paragraph 105: the number of allowed accesses decrements after each access) and the door locking control device allows for unlocking of the door for the permitted maximum number of times memorized in the memory by the electronic key (Paragraph 105: the number of allowed accesses decrements after each access).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Funakoshi and in further view of Yamasaki's vehicle entry and engine start system to allow only a certain number of accesses, as taught by Denison.

The motivation would be to prevent unauthorized usage of keys (Paragraph 106).

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As per claim 9,

Nakamura in view of Funakoshi and in further view of Yamasaki discloses the electronic key is certified by the certifying device of the electronic key for getting in the vehicle *(Nakamura; Paragraph 40: keyless entry system)* and whose ID information is memorized in the memory *(Nakamura; Fig. 3a: storage section 14)* and the door is unlocked after the engine is started by the engine starting switch *(Nakamura; Paragraph 116: the user is able to unlock the engine and door).*

Nakamura in view of Funakoshi and in further view of Yamasaki does not disclose

Denison discloses wherein the memory memorizes, in advance, a maximum number of times for permitting unlocking of the door the maximum number of times being set for every electronic key which is certified and registered *(Paragraph 105: the number of allowed accesses decrements after each access)*, and

the door locking control device that allows for unlocking of the door for

the permitted maximum number of times memorized in the memory by the electronic key *(Paragraph 105: the number of allowed accesses decrements after each access).*

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Funakoshi and in further view of Yamasaki's vehicle entry and engine start system to allow only a certain number of accesses, as taught by Denison.

The motivation would be to prevent unauthorized usage of keys *(Paragraph 106).*

As per claim 11,

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Nakamura in view of Funakoshi and in further view of Yamasaki and in further view of Denison discloses wherein the door locking control device includes a permission counter number (Denison; Paragraph 105: the number of allowed accesses decrements after each access) that reduces the number of times permission is granted to unlock for unlocking the door by using the electronic key (Denison; Paragraph 105: the number of allowed accesses decrements after each access) that is certified by the certifying device of the electronic key for getting in the vehicle and whose ID information is memorized in the memory (Nakamura; Paragraph 40: the keyless entry), when the vehicle door is unlocked and then opened (Denison; Paragraph 105: the counter decrements only after each access, which would mean the user would have to unlock and open the door before the user would have access).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (EP 1286297) in view of Funakoshi et al. (US 5861816) and in further view of Yamasaki (US 6075454) and in further view of Denison et al. (PG-Pub 2002/0097141) and in further view of Goodman et al. (PG-Pub 2002/0043566).

As per claim 10,

Nakamura in view of Funakoshi and in further view of Yamasaki discloses that is certified by the certifying device of the electronic key for getting in the vehicle (Nakamura; Paragraph 40: keyless entry system) and whose ID information is memorized in the memory (Funakoshi; col. 5 lines 19-22: the updated code is stored at the next engine startup), and unlocking the door after the engine is started by the engine starting switch (Nakamura; Paragraph 116: the user is able to unlock the engine and door) the human body certification is

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confirmed at the time when the engine is started by the engine starting switch (Paragraph 87: the biometric authenticating section determines a match, Paragraph 126 the processes can be executed in any order).

Nakamura in view of Funakoshi and in further view of Yamasaki does not disclose wherein the memory memorizes, in advance, a maximum number of times for permitting unlocking of the door (Paragraph 105: the number of allowed accesses decrements after each access) the maximum number being set for every person who is certified and registered (Paragraph 105: each master key), and the door locking control device allows for unlocking of the door for the permitted maximum number of times memorized in the memory by the electronic key the maximum number being memorized in the memory (Paragraph 105: the number of allowed accesses decrements after each access) the maximum number corresponding to the person whose human body certification information is confirmed by the human body information certifying device.

Denison discloses wherein the memory memorizes, in advance, a maximum number of times for permitting unlocking of the door (Paragraph 105: the number of allowed accesses decrements after each access) the maximum number being set for every person who is certified and registered (Paragraph 105: each master key), and the door locking control device allows for unlocking of the door for the permitted maximum number of times memorized in the memory by the electronic key the maximum number being memorized in the memory (Paragraph 105: the number of allowed accesses decrements after each access).

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Funakoshi and in further view of Yamasaki's vehicle entry

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and engine start system to allow only a certain number of accesses, as taught by Denison.

The motivation would be to prevent unauthorized usage of keys **(Paragraph 106)**.

Nakamura in view of Funakoshi and in further view of Yamasaki and in further view of Denison does not disclose the maximum number corresponding to the person whose human body certification information is confirmed by the human body information certifying device.

Goodman discloses the maximum number corresponding to the person whose human body certification information is confirmed by the human body information certifying device **(Paragraph 22: biometric sensors are used, Paragraph 38: the count decrements every time it is activated)**.

At the time of invention, it would have been obvious to a person with ordinary skill in the art to modify Nakamura in view of Funakoshi and in further view of Yamasaki and in further view of Denison's vehicle entry and engine start system to allow only a certain number of accesses, as taught by Goodman.

The motivation would be to prevent the use of counterfeits **(Paragraph 6, Paragraph 11)**.

Allowable Subject Matter

Claim 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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Applicant's arguments with respect to claim 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN LAU whose telephone number is (571)270-5168. The examiner can normally be reached on M-F 9:30 am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on (571) 272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KL/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612